

### **REMARKS**

The present Amendment is in response to the Office Action mailed January 29, 2009. Claims 35 and 40 are cancelled, claims 27 and 44 are amended, and no new claims are added. Claims 27-34, 36-39 and 41-45 are now pending in view of the above amendments. Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.

Applicants note that this response includes the items requested by the Examiner.

### **Rejection Under 35 U.S.C. §102**

The Office Action rejected claims 27, 28, 32-37 and 39-42 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0031072 (*Dobashi*). Applicants traverse at least on the grounds that *Dobashi* fails to disclose each and every element of the rejected claims as the elements are set forth in the claims.

Claim 27 is directed to a method of face recognition and has been amended to recite that the light which is used to illuminate a target face is an active NIR light, and the active NIR light comprises a plurality of flash NIR light sources, or the combination of a plurality of flash NIR light sources and a plurality of constant NIR light sources.

Although *Dobashi* discloses a constant infrared illumination lamp 342 (as noted in the Office Action), *Dobashi* fails to disclose the active NIR light recited in claim 27. More specifically, the active NIR light recited in claim 27 includes a plurality of flash NIR light sources or the combination of a plurality of flash NIR light sources and a plurality of constant NIR light sources as limited in claim 27. A constant infrared illumination lamp, as disclosed in *Dobashi*, fails to disclose this aspect of claim 27. Therefore, Applicant respectfully believes that claims 27 is patentable over *Dobashi*, and requests reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b).

Claims 28, 32, 33, 34 through 37, 39 through 42, and 45 depend on Claim 27; as stated above, and are patentable for at least the same reasons.

### **Rejection Under 35 U.S.C. § 103**

The Office Action rejected claims 29 and 43 under 35 U.S.C. § 103(a) as being unpatentable over *Dobashi* in view of U.S. Patent Publication No. 2005/0175218 (*Vertegaal*).

Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dobashi* in view of U.S. Patent No. 6,419,638 (*Hay*).

Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dobashi* in view of U.S. Patent Publication No. 2003/0058111 (*Lee*).

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dobashi* in view of U.S. Patent Publication No. 2003/0047135 (*Kansakoski*).

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dobashi* in view of U.S. Patent Publication No. 2007/0053513 (*Hoffberg*).

Because *Dobashi* fails to teach the limitations of claim 27, and none of *Vertegaal*, *Hey*, *Lee*, *Kansakoski* and *Hoffberg* discloses an active NIR light which comprises a plurality of flash NIR light sources, or the combination of a plurality of flash NIR light sources and a plurality of constant NIR light sources, Applicant respectfully submits that the claims rejected under 35 U.S.C. § 103 are patentable over the cited art for at least the same reasons and respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a).

In addition, claim 44 has been amended to recite that the displaying device is a mirror, which is used for adjusting the position of the target face, and that the normal of the surface of the mirror is co-axis to the lens of the camera.

*Dobashi* teaches a facial image acquisition apparatus which comprises a display section 110, but fails to explicitly state using a mirror as the displaying device. Furthermore, instead of making use of the displaying section 110 to adjust the position of the target face in vertical and horizontal directions, *Dobashi* teaches a method of using a speaker to provide voice guidance. In addition, *Dobashi* teaches that the display section 110 is mounted above the lens of the camera as shown in the Figure 11, while the normal of the surface of the display device is co-axis to said lens as limited claim 44. Thus, the elements of claim 44 are not disclosed in *Dobashi*.

*Hoffberg* fails to disclose a mirror being used for adjusting the position of the target face and does not disclose the position of the displaying device. Thus *Hoffberg* does not remedy the deficiencies of *Dobashi* and Applicant submits that it would not be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Hoffberg* and *Dobashi* to disclose the invention of claim 44. Applicant respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a) regarding claim 44.

### **CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney. In view of the recent USPTO initiative regarding compact prosecution, Applicant respectfully invites the Examiner to contact the undersigned at his earliest convenience in the instance that additional impediment exists to the prompt allowance of this case.

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Respectfully submitted,

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